

DELTA PROTECTION COMMISSION

14215 RIVER ROAD

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August 9, 1996

To: Delta Protection Commission

From: Margit Aramburu, Executive Director

Subject: Status of San Luis Drain

Background:

At the July 27, 1995 meeting, the Delta Protection Commission adopted a resolution regarding the San Luis Drain (see attached). In that resolution, the Commission voted to participate in any hearings and/or workshops on the Drain to seek to ensure that any preferred option will enhance the nature values of the state's aquatic habitats and maintain or enhance water quality of the Delta, especially at drinking water intakes.

At the July 25, 1996 meeting, the Commission received public comments of concern about the San Luis Drain and possible water quality impacts on the Delta and its aquatic habitats. The Commission asked staff to prepare an update on the San Luis Drain.

Status of the San Luis Drain:

There has been no new activity regarding the San Luis Drain.

Grasslands Bypass Channel:

The Grasslands Bypass Channel is a separate project which will route drain water now flowing through Salt and Mud Sloughs through the existing section of the San Luis Drain. The Grasslands Bypass Channel did release accumulated groundwater from the San Luis Drain. The target date for start of release of agricultural drainage is October 1, 1996, after preparation and approval of a monitoring plan and completion of construction of new facilities to carry out the program.

Activities Since July 1995:

July 27, 1995: Delta Protection Commission adopts resolution regarding participation in the San Luis Drain process.

September, 1995: Bureau of Reclamation releases Draft Finding of No Significant Impact (FONSI) and Supplemental Environmental Assessment- Grasslands Bypass Channel.

September, 1995: Bureau of Reclamation, Environmental Protection Agency, and U.S. Fish and Wildlife Service notices two public meetings to discuss issues for the Grasslands Bypass Channel on September 26 and 27, 1995.

October 4, 1995: Commission staff prepares and sends a letter to Bureau of Reclamation explaining the Commission's adopted position on the San Luis Drain.

October, 1995: Bureau of Reclamation issues a notice extending the comment period for review of the Draft Environmental Assessment of the Grasslands Bypass Channel and schedules public meetings on November 1 and November 2, 1996.

November 3, 1995: Bureau of Reclamation and San Luis and Delta-Mendota Authority sign an agreement approving the Grasslands Bypass Channel and allowing a 28-mile section of the 85 mile long San Luis Drain to re-open for a two year trial period. The agreement allows the Drain to be used for a maximum of five years, subject to a review after the initial two years.

November 3, 1995: Regional Director of the Bureau of Reclamation approves the FONSI and Supplement Environmental Assessment for the Grassland Bypass Channel.

January 22, 1996: Bureau of Reclamation releases Comments and Responses to Supplemental Environmental Assessment - Grasslands Bypass Channel.

March 22, 1996: Central Valley Regional Water Quality Control Board approves a National Pollutant Discharge Elimination System (NPDES) permit to Bureau of Reclamation and Delta Mendota Water Authority to empty accumulated groundwater from the San Luis Drain.

April, 1996: Bureau and Delta-Mendota release accumulated groundwater over a 15 to 20 day period.

July 29, 1996: Regional Board staff indicates no permits are currently being processed and will not be processed until a new Basin Plan has been approved by the State Water Resources Control Board (scheduled for September, 1996).

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RESOLUTION 95-3

REGARDING THE SAN LUIS DRAIN

WHEREAS, the Sacramento-San Joaquin Delta (Delta) is a natural resource of statewide, national, and international significance, containing irreplaceable resources, and it is the policy of the State to recognize, preserve, and protect those resources of the Delta for the use and enjoyment of current and future generations; and

WHEREAS, the basic goals of the State for the Delta include protecting, maintaining, and where possible enhancing and restoring the overall quality of the Delta environment; and

WHEREAS, the Delta's wildlife and wildlife habitats, including waterways, vegetated unleveed channel islands, wetlands, and riparian forests and vegetation corridors are highly valuable providing critical wintering habitat for waterfowl and other migratory birds using the Pacific Flyway as well as certain plant species, various rare and endangered wildlife species of birds, mammals, and fish, and numerous amphibians, reptiles, and invertebrates, that these wildlife species and their habitat are valuable, unique, and irreplaceable resources of critical statewide significance and that it is the policy of the State to preserve and protect these resources and their diversity for the enjoyment of current and future generations; and

WHEREAS, the resource values of the Delta have deteriorated and that further deterioration threatens the maintenance and sustainability of the Delta's ecology, fish and wildlife populations, recreational opportunities, and economic productivity; and

WHEREAS, the Delta Protection Commission has prepared and adopted a Land Use and Resource Management Plan for the Primary Zone of the Delta which recommends that programs to enhance the natural values of the State's aquatic habitats and water quality will benefit the Delta and should be supported, and recommends that water quality at Delta drinking water intakes should be maintained or enhanced; and

WHEREAS, historically, Central Valley agricultural wastewaters were released into the Kesterson Reservoir resulting in loss of wildlife and ultimately resulting in the closing of both the San Luis Drain and the Kesterson Reservoir in 1985; and

WHEREAS, the U.S. Bureau of Reclamation has been working with landowners to minimize the volume of agricultural drainage water and develop other methods to address this matter "in-Valley"; and

WHEREAS, on December 2, 1994 Judge Oliver Wagner of the U.S. District Court found that the Bureau of Reclamation has an obligation to provide drainage to the San Luis Unit and directed the Bureau to apply for a discharge permit for the San Luis Drain; and

WHEREAS, the Commission strongly considered adopting a position of absolute prohibition of Delta disposal due to concerns related to water quality impacts; and

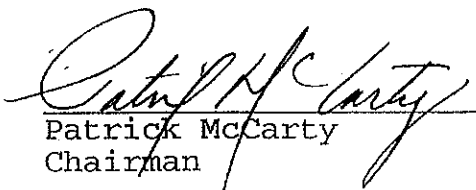
WHEREAS, the Bureau of Reclamation will develop a range of options to address disposal of agricultural drainage generated by the San Luis Unit; and

WHEREAS, the State Water Resources Control Board will hold hearings on options developed by the Bureau of Reclamation; and

WHEREAS, other public agencies may hold hearings, workshops, and other public negotiations and meetings regarding long-term resolution of agricultural drainage generated by the San Luis Unit;

THEREFORE BE IT RESOLVED, the Delta Protection Commission will participate in and take positions on various proposed options to address disposal of agricultural drainage from the San Luis Unit before the State Water Resources Control Board or any other body holding similar deliberations, with the intent of ensuring that any preferred option will enhance the natural values of the State's aquatic habitats and maintain or enhance water quality of the Delta, especially at drinking water intakes.

Adopted on July 27, 1995.


Patrick McCarty
Chairman